

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VANESSA BAILEY

*

VS.

* CASE NO. RWT-10-CV-2275

THE FIRST AMERICAN CORP., ET AL. *

**PLAINTIFF'S MOTION FOR LEAVE TO FILE LATE OPPOSITION
TO MOTION TO DISMISS IN PART**

Plaintiff Vanessa Bailey, by her attorney Mary Ann Ryan, moves this Honorable Court for leave to file a late opposition to Defendants John Singleton and Singleton, Gendler & Terrasa's Motion to Dismiss in Part with respect to the malpractice claim against him. As reason for filing at this late date, Plaintiff states as follows:

1. Plaintiff filed a malpractice claim against Defendant John Singleton claiming that said Defendant had committed malpractice against her based on two sets of circumstances.
2. In one set of circumstances, Plaintiff alleged that Defendant Singleton failed to appear to represent her in an unemployment compensation proceeding. This claim was permitted by this Court, and is going forward.
3. In the second set of circumstances, Plaintiff alleged that Defendant Singleton committed malpractice by making sexual advances to her while he was representing her in a sex harassment claim, thus compromising her case and interfering with her claim for injuries.
4. Defendant Singleton filed a motion to assert that the only the first set of circumstances should be the basis of a malpractice claim even though both

sets of circumstances were the basis for the malpractice claim; both sets of circumstances were briefed; and, both sets of circumstances were argued before this Court.

5. Upon receipt of that motion, this Court immediately set in a hearing date for this matter.
6. Plaintiff then assumed that she would have the opportunity to be heard at the hearing with respect to her opposition to Defendant Singleton's motion.
7. This assumption was based on Maryland case law which holds that an individual has the right to rely on an opportunity to be heard on a dispositive motion if a hearing in the matter has been requested. *Karl v. Blue Cross & Blue Shield*, 100 Md. App. 743; 642 A. 2d 903 (1994), *cert. denied*, 336 Md.558, 649 A.2d 601 (1994). In this instance, the hearing was set in, and Plaintiff expected an opportunity to be heard on the matter.
8. In any event, Plaintiff has already outlined her argument as to why an attorney who makes sexual advances towards a client while in the midst of representing the client for sexual harassment claims subjects himself to malpractice if the advances are unwanted.
9. There is no prejudice to Defendant Singleton in having this Motion granted.
10. Granting this motion would serve the ends of justice.
11. The reasons that Defendants' Partial Motion to Dismiss should be denied are more fully set forth in the Plaintiff's Opposition, which is attached hereto and incorporated herein by reference.

WHEREFORE, Plaintiff Vanessa Bailey requests that this Court grant the

following relief:

- A. Grant Plaintiff's Motion to file a late opposition to Defendant's Partial Motion to Dismiss; and,
- B. Grant such other and further relief as may be deemed appropriate.

Respectfully submitted,

_____/s/_____
Mary Ann Ryan # 06083
319 Main Street, 3rd Floor
Laurel, MD 20707
301-725-3800

Certificate of Service

I hereby certify that on this 6th day of December, 2011, I served the above Motion for Leave to File a Late Opposition electronically on all counsel of record.

_____/s/_____
Mary Ann Ryan